

NO. 26427

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE INTEREST OF

JANE DOE, born on March 13, 1996.

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-S NO. 02-1-0174)

ORDER GRANTING MOTION TO DISMISS
FOR LACK OF APPELLATE JURISDICTION

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Appellee's motion to dismiss the appeal of Mother-Appellant for lack of appellate jurisdiction, the papers in support, and the records and files herein, it appears that: (1) Appellant is appealing from the February 4, 2004 order awarding permanent custody; (2) Appellant's right to appeal the family court order in this case required her to file a motion for reconsideration pursuant to HRS § 571-54, see In re Doe, 3 Haw. App. 391, 394, 651 P.2d 492, 494 (1982) (as a prerequisite to appeal from a family court order awarding permanent custody, a motion for reconsideration must be filed in accordance with HRS § 571-54); (3) absent compliance with the statutory requirement, the matter is not appealable; and (4) Appellant did not file a motion for reconsideration as required by HRS § 571-54. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss Mother-Appellant's appeal for lack of jurisdiction is granted, and this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 16, 2004.

Jay K. Goss,
Deputy Attorney General,
for appellee on the
motion